



PATENT

Case Docket No. OPTIS.039A

Date: October 6, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Bernhard B. Sterling et al.  
Appl. No. : 10/055,875  
Filed : January 21, 2002  
For : REAGENT-LESS WHOLE-  
BLOOD GLUCOSE METER  
Examiner : Roy Punnoose  
Group Art Unit : 2877

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 6, 2004

(Date)

*Mark Kertz*

Mark J. Kertz, Reg. No. 43,711

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Supplemental Information Disclosure Statement.
- (X) A PTO Form 1449 with 34 references.
- (X) A check in the amount of \$180 to cover the applicable fees is enclosed.
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

*Mark Kertz*

Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404



# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant : Bernhard B. Sterling et al.  
 App. No. : 10/055,875  
 Filed : January 21, 2002  
 For : REAGENT-LESS WHOLE-BLOOD GLUCOSE  
 METER  
 Examiner : Roy Punnoose  
 Group Art Unit : 2877

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing 34 references that are also enclosed.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under § 1.311. This Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

## RELATED COPENDING APPLICATIONS (COMMONLY OWNED WITH THE PRESENT APPLICATION)

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/200,384	07/19/02	Reagent-Less Whole-Blood Glucose Meter	Braig et al.	OPTIS.039C1
10/219,625	08/14/02	Device and Method for In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig et al.	OPTIS.039CP1
10/219,627	08/14/02	Device and Method for In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig et al.	OPTIS.039CP2

**Appl. No.** : 10/055,875  
**Filed** : January 21, 2002

**Docket No.** OPTIS.039A  
**Customer No.** 20,995

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/319,409	12/12/02	Pathlength-Independent Methods for Optically Determining Material Composition	Sterling et al.	OPTIS.060A
10/366,540	02/12/03	Method of Determining an Analyte Concentration in a Sample From an Absorption Spectrum	Sterling et al.	OPTIS.060CP1
10/338,061	01/06/03	Cartridge Lance	Rule et al.	OPTIS.078A
10/338,131	01/06/03	Sample Element for Reagentless Whole Blood Glucose Meter	Rule et al.	OPTIS.079A
10/337,226	01/06/03	Layered Spectroscopic Sample Element with Microporous Membrane	Rule et al.	OPTIS.080A
10/824,946	04/15/04	Analyte Detection System	Unknown	OPTIS.086A
10/825,072	04/15/04	Sample Element for Use in Material Analysis	Unknown	OPTIS.089A
10/824,933	04/15/04	Sample Element Qualification	Unknown	OPTIS.100A

Regarding Serial No.10/200,384, its specification and currently-pending claims are set forth in publication no. 2003/0086073, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,625, its specification and currently-pending claims are set forth in publication no. 2003/0086074, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,627, its specification and currently-pending claims are set forth in publication no. 2003/0086075, listed in the attached form PTO-1449.

Regarding Serial No. 10/319,409, its specification and currently-pending claims are set forth in publication no. 2003/0178569, listed in the attached form PTO-1449.

Regarding Serial No. 10/366,540 its specification and currently-pending claims are set forth in publication no. 2004/0019431, listed in the attached form PTO-1449.

Regarding Serial No. 10/338,061, its specification and currently-pending claims are set forth in publication no. 2004/0132167 A1, listed in the attached form PTO-1449.

Regarding Serial No. 10/338,131, its specification and currently-pending claims are set forth in publication no. 2004/0132168 A1, listed in the attached form PTO-1449.

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Docket No. OPTIS.039A  
Customer No. 20,995

Regarding Serial No. 10/337,226, its specification and currently-pending claims are set forth in publication no. 2004/0133084 A1, listed in the attached form PTO-1449.

Regarding Serial No. 10/824,946, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/825,072, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/824,933, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct. 6, 2004

By: Mark Kertz

Mark J. Kertz  
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(949) 760-0404

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
OPTIS.039AAPPLICATION NO.  
10/055,875INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT  
Bernhard B. Sterling et al.FILING DATE  
January 21, 2002GROUP  
2877

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	4,477,190	10/16/84	Liston et al.			
	2	4,948,961	08/14/90	Hillman et al.			
	3	5,371,020	12/06/94	Frischauf			
	4	5,430,542	07/04/95	Shepherd			
	5	5,900,632	05/04/99	Sterling et al.			
	6	6,072,180	06/06/00	Kramer et al.			
	7	6,198,949 B1	03/06/01	Braig et al.			
	8	6,312,888 B1	11/06/01	Wong et al.			
	9	2003/0086073	05/08/03	Braig et al.			07/19/02
	10	2003/0086074	05/08/03	Braig et al.			08/14/02
	11	2003/0086075	05/08/03	Braig et al.			08/14/02
	12	2003/0178569	09/25/03	Sterling et al.			12/12/02
	13	2004/0019431	01/29/04	Sterling et al.			02/12/03
	14	2004/0132167 A1	07/08/04	Rule et al.			01/06/03
	15	2004/0132168 A1	07/08/04	Rule et al.			01/06/03
	16	20040133084 A1	07/08/04	Rule et al.			01/06/03

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	17	WO 01/53806 A1	July 26, 2001	PCT				
	18	WO 03/016882 A1	February 27, 2003	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	19	Ward et al., "Post-Prandial Blood Glucose Determination by Quantitative Mid-Infrared Spectroscopy," <u>Applied Spectroscopy</u> , vol. 46, no. 6, pp. 959-965 (1992).
	20	Heise et al., "Multicomponent Assay for Blood Substrates in Human Plasma by Mid-Infrared Spectroscopy and its Evaluation for Clinical Analysis," <u>Applied Spectroscopy</u> , vol. 48, no. 1, pp. 85-95 (1994).
	21	McNichols et al., "Optical Glucose Sensing in Biological Fluids: An Overview," <u>Journal of Biomedical Optics</u> , vol. 5, no. 1, pp. 5-9 (January 2000).

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
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Bernhard B. Sterling et al.FILING DATE  
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EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	22	Petibois et al., "Glucose and Lactate Concentration Determination on Single Microsamples by Fourier-Transform Infrared Spectroscopy," <u>Journal of Laboratory and Clinical Medicine</u> , vol. 135, no. 2, pp. 210-215 (February 2000).
	23	USPTO Serial No. 10/200,384; Inventors Braig et al.; Filing Date 07/19/02
	24	USPTO Serial No. 10/219,625; Inventors Braig et al.; Filing Date 08/14/02
	25	USPTO Serial No. 10/219,627; Inventors Braig et al.; Filing Date 08/14/02
	26	USPTO Serial No. 10/319,409; Inventors Sterling et al.; Filing Date 12/12/02
	27	USPTO Serial No. 10/366,540; Inventors Sterling et al.; Filing Date 02/12/03
	28	USPTO Serial No. 10/338,131; Inventors Rule et al.; Filing Date 01/06/03
	29	USPTO Serial No. 10/338,061; Inventors Rule et al.; Filing Date 01/06/03
	30	USPTO Serial No. 10/337,226; Inventors Rule et al.; Filing Date 01/06/03
	31	USPTO Serial No. 10/824,933; Inventors Unknown; Filing Date 04/15/03
	32	USPTO Serial No. 10/824,946; Inventors Unknown; Filing Date 04/15/03
	33	USPTO Serial No. 10/825,072; Inventors Unknown; Filing Date 04/15/03
	34	International Search Report for Application No. PCT/US02/35707 (the PCT counterpart of the present application) (mailed 04/03/03)

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EXAMINER	DATE CONSIDERED
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